

Customer No.: 31561
Docket No.: 12971-US-PA
Application No.: 10/709,850

REMARKS

Present Status of the Application

claims 1-10 are still pending of which the claim 10 has been amended in order to eliminate its improper dependency without the introduction of any new matter to the claims. However, applicant respectfully traverses the Examiner's rejection based on the following arguments and re-consideration of withdrawing this rejection is highly respectfully requested.

Discussion for rejection to claims under 35 U.S.C.102 (b)

Claims 1 and 3 are rejected under 35 U.S.C.102 (b) as being anticipated by Liedenaum (WO 02/093537A2).

In response thereto, applicant respectfully traverses the preceding rejection based on the following arguments. To establish a prima facie case of anticipation, the cited reference (i.e. Liedenaum) should teach, suggest or disclose all limitations of claims. From Fig.2, in Liedenaum, there discloses a first substrate (1) and a first electrode layer 5 are interposed an electrically and chemically insulating protective layer (11) (see 1st paragraph in page 7). Likewise, a second substrate (2) and a second electrode layer 6 are interposed an electrically and chemically insulating protective layer (12). In other words, in Liedenaum, the first substrate (1) is so defined as a

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stacked layer structure of first substrate (1)-protective layer (11)-electrode (5), which is totally different from "a first substrate having a first electrode layer and an organic functional layer sequentially disposed thereon," as claimed in the claim 1. That is, the first electrode layer is not disposed on (emphasis added) the first substrate as claimed in the claim 1 because these two layers are separated by the protective layer, and so does the second electrode layer. Accordingly, Liedenaum fails to teach, suggest or disclose "a first substrate having a first electrode layer disposed thereon and a second substrate having a second electrode layer disposed thereon," as claimed in the claim 1. That is, the claim 1 is not anticipated by Liedenaum and thus patentable.

As to dependent claim 3, it should be patentable as a matter of law for the reason it contains all limitations of its patentable base claim 1.

Claims 1 and 4 are rejected under 35 U.S.C. 102 (b) as being anticipated by Fukunaga (U. S. 6,559,594).

In response thereto, applicant respectfully traverses the preceding rejection based on the following arguments. To establish a prima facie case of anticipation, the cited reference (i.e. Fukunaga) should teach, suggest or disclose all limitations of claims. The Examiner alleged that a first substrate (335) has a first electrode layer (333) disposed thereon and a second substrate (301) has a second electrode layer (321) disposed thereon. However, the Examiner's allegation is

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incorrect. Actually, from Fig. 4D and col. 8, lines 57-60, in Fukunaga, the first substrate (335) and the first electrode layer (333) are interposed a passivation film (337) made of a tantalum oxide film or diamond like carbon film, and a spacer (336). That is, in Fukunaga, the first substrate so defined as a stacked layer structure of first substrate (335)-protective layer (11)& spacer (335)-auxiliary electrode (334)-cathode electrode layer (333), which is totally different from "a first substrate having a first electrode layer and an organic functional layer sequentially disposed thereon," as claimed in the claim 1. Furthermore, an anisotropic conductive layer (326) is used to connect anode 329 and conductor 327 of the same substrate 301, rather than "connecting the organic functional layer and the second electrode layer," as claimed in the claim 1. Accordingly, Fukunaga fails to teach, suggest or disclose "a first substrate having a first electrode layer disposed thereon and a second substrate having a second electrode layer disposed thereon," as claimed in the claim 1. That is, the claim 1 is not anticipated by Fukunaga and thus patentable.

As to dependent claim 4, it should be patentable as a matter of law for the reason it contains all limitations of its patentable base claim 1.

Claims 1-2 and 5-10 are rejected under 35 U.S.C.102 (e) as being anticipated by Lu (U. S. 2004/0245917).

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In response thereto, applicant respectfully traverses the preceding rejection based on the following arguments. Likewise, to establish a prima facie case of anticipation, the cited reference (i.e. Lu) should teach, suggest or disclose all limitations of claims. In Fig.1 and paragraph [0065], in Lu, there is no second substrate. Although the Examiner alleged that the reference numeral 90 is second substrate, actually, it is not second substrate but a cathode capping layer made of dielectric, such as silicon dioxide or nitride, and formed over a substrate 20 by a sputtering process; that is, in Lu, there is no second substrate and second electrode layer as claimed in the claim 1. That is, the claim 1 is not anticipated by Lu and thus patentable.

As to dependent claims 2 and 5-10, they should be patentable as a matter of law for the reason they contains all limitations of their patentable base claim 1.

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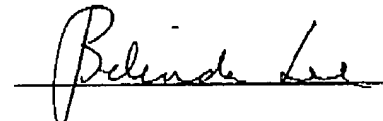
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-10 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date :

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